

Chapter 632. Zoning Code--**Regulations of General Applicability** Provisions

~~Chapter 63. Zoning Code--General Exceptions~~

~~Sec. 62.100. Conflicting regulations.~~ [Moved to §60.109, under a more logical location for this paragraph.]

~~Sec. 62.101. Scope.~~ [Moved to §60.105, a more logical location for this paragraph and the same location as in the Minneapolis zoning code.]

~~Sec. 62.102. Nonconforming lots, nonconforming uses of land, nonconforming structures, and noneonforming uses of structures and land.~~ [Moved to new Chapter 62, Nonconforming Lots, Uses and Structures.]

~~Sec. 63.100. General exceptions.~~

~~The regulations in this code shall be subject to the interpretations and exceptions in this chapter.~~

~~(Code 1956, § 63.000)~~ [unnecessary]

~~Sec. 63.101. Essential services.~~ [Moved to §60.106, a more logical location for his paragraph.]

~~Sec. 63.102. Voting place.~~ [Moved to §60.107, a more logical location for this paragraph.]

ARTICLE I. 63.100. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

Sec. 63.1014. Lots adjoining alleys.

In calculating the area of a lot that adjoins a dedicated public alley, for the purpose of applying lot area and density requirements of this code, one-half the width of such alley adjoining the lot shall be considered as part of such lot.

(Code 1956, § 63.103; Ord. No. 16956, 9-9-82)

Sec. 63.1023. Height limit.

The height limitations of this code shall not apply to mechanical service stacks, tanks, ventilation equipment, chimneys, church spires, flag poles, public monuments, and similar equipment; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a **conditional** use ~~subject to special conditions~~.

(Code 1956, § 63.102; Ord. No. 16906, 4-20-82; Ord. No. 17204, 1-15-85; C.F. No. 95-1140, § 7, 10-18-95)

Sec. 632.10316. Height districts.

In order to protect the economic and aesthetic amenities of the city and in order to implement plans long envisioned, those areas of the city shown on map entitled "Height Districts of The City of Saint Paul" are restricted to the following maximum height for all structures:

| Area | Maximum Height of Structure (Saint Paul Datum in Feet) |
|------|--|
| I | 60 |
| II | 75 |
| III | 90 |

(Code 1956, 62.118; Ord. No. 17204, 1-15-85)

Sec. 632.11104. Residential entranceway.

In all Residential Districts, so-called entranceway structures, including, but not limited to, walls, columns and gates marking entrances to single-family subdivisions or multiple housing projects, may be permitted and may be located in a required yard, ~~except as provided in section 62.112, below;~~

provided; that such entranceway structures shall comply with all codes of the City of Saint Paul, and all state codes, and shall be approved by the division of housing and building code enforcement and a permit be issued by the zoning administrator.

(Code 1956, § 62.112)

~~Sec. 62.112. Reserved.~~

Editor's note--C.F. No. 99-750, § 10, adopted Sept. 1, 1999, repealed § 62.112, which pertained to corner clearance and derived from § 62.113 of the 1956 Code, as amended by Ord. No. 17524, § 31, adopted Jan. 6, 1988.

~~Sec. 62.113. Zoning lot, more than one zoning designation.~~ [Moved to §60.306.]

Sec. 63.1056. Porches and decks.

- (a) An open, uncovered porch or deck serving the principal structure shall be subject to setback and lot coverage requirements for the principal structure with the following exceptions:
 - (1) The porch or deck may project into a required front or rear yard for a distance not exceeding ten (10) feet, providing the walking surface of the porch or deck is not higher than thirty (30) inches above the adjacent grade in the front yard and not higher than eight (8) feet above the adjacent grade in the rear yard, but this shall not be interpreted to include or permit fixed canopies. These permitted projections shall be excluded from lot coverage calculations.
 - (2) The porch or deck shall be no closer than six (6) feet to a detached accessory building, unless the porch or deck is not higher than two (2) feet above the adjacent grade.
- (b) The walking surface of an open, uncovered porch or deck serving a detached accessory building only shall not exceed two (2) feet in height above the adjacent grade or shall be considered part of the accessory building and must meet all setback and lot coverage requirements for the accessory building.
- (c) An uncovered porch, deck or patio not exceeding two (2) feet in height is considered landscaping and is not subject to setback or lot coverage requirements.
- (d) **An open, covered porch may project up to six (6) feet into a required front yard.** [We generally want to encourage open, covered front porches because they are good for neighborhoods. This amendment will make such porches easier to add, and will eliminate a number of variance applications every year that make little difference and are almost always granted.]

(Code 1956, § 63.105; Ord. No. 16204, 1-15-85; C.F. No. 99-750, § 12, 9-1-99)

Sec. 63.1067. Projections into yards.

- (~~a~~) Attached vestibules, ~~covered~~ **enclosed** entrances and greenhouses may project up to twenty (20) square feet into a required front or rear yard and shall be included as part of the principal structure for lot coverage purposes.
- (b) Ramps for the handicapped are exempted and may project into required yards.
- (c) Chimneys and fireplaces may project one (1) foot into a required yard.
- (~~a~~) Except as otherwise provided for in section ~~632.106500~~ **(b2)**, overhangs, decorative details and bay windows may project into a required yard sixteen (16) inches plus two (2) inches for each foot of width of the required side yard.
- (e) Air conditioning condensers may be permitted in required side and rear yards and nonrequired front yards.

(Code 1956, § 63.106; Ord. No. 16956, 9-9-82; Ord. No. 17524, § 34, 1-6-88; C.F. No. 93-1718, § 81, 12-14-93; C.F. No. 96-462, § 10, 6-5-96; C.F. No. 99-750, § 12, 9-1-99)

Sec. 63.1075. Multiple dwelling side yard.

For the purpose of side yard regulations, a two-family house, a townhouse or a multiple dwelling shall be considered as one building occupying one lot.

(Code 1956, § 63.104)

Sec. ~~63.108~~ 63.108. Foundations.

All buildings shall have a permanent foundation to comply with the state building code.

(Ord. No. 17039, 7-7-83)

Sec. 63.109. Reserved.

Sec. 63.110. General design standards.

The following design standards shall be used in site plan review, as applicable, unless the applicant can demonstrate that there are circumstances unique to the property that make compliance impractical or unreasonable.

- (a) New development shall relate to the design of adjacent traditional buildings, where these are present, in scale and character. This can be achieved by maintaining similar setbacks, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.
- (b) Primary building entrances on all new buildings shall face the primary abutting public street or walkway, or be linked to that street by a clearly defined and visible walkway or courtyard. Additional secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
- (c) In pedestrian-oriented commercial districts (generally characterized by storefront commercial buildings built up to the sidewalk) the following standards for new construction shall apply:
 - (1) Buildings shall be as close to the sidewalk as practical.
 - (2) At intersections, buildings shall “hold the corner,” that is, have street facades at or near the sidewalks of both streets.
 - (3) Buildings shall have a direct pedestrian connection to the street.
 - (4) No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas.
 - (5) Buildings shall have window and door openings facing the street; windows facing parking lots are also encouraged.
- (d) Residential uses at street level shall generally be set back far enough from the street to provide a private yard area between the sidewalk and the front door. Landscaping, steps, porches, grade changes, and low ornamental fences or walls may be used to provide increased privacy and livability for first floor units.
- (e) All rooftop equipment shall be screened from view from adjacent streets, public rights-of-way and adjacent properties. Rooftop equipment shall be screened by the building parapet, or shall be located out of view from the ground. If this is infeasible, the equipment shall be grouped within a single enclosure. This structure shall be set back a distance of 1½ times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- (f) Attached garages shall be set back at least five (5) feet behind the principal front facade of the

building unless topographic conditions or lot configuration make this impractical. Detached garages shall be located consistent with the prevailing pattern on the block or within the neighborhood, unless physical conditions make this impractical.

- (g) If transit facilities are needed to serve existing or proposed development, provisions shall be made, where practical, for location of a bus stop or sheltered transit waiting area in a convenient and visible location.
- (h) The number of curb cuts shall be minimized, and shared curb cuts for adjacent parking areas are encouraged.

Sec. 63.111. Residential development on steep slopes.

~~{62.108}(g) Review of residential development on steep slopes.~~ In reviewing residential development on slopes of greater than twelve (12) percent, the zoning administrator shall, in addition to general site plan standards ~~above~~, consider the following requirements and standards:

- (a+) An engineering report on slope stability and hydrology, if the zoning administrator determines that such a report is warranted. The zoning administrator shall establish and maintain written criteria to use in making this determination, which criteria may include the size of the proposed development and any official records of soil instability, groundwater, and erosion in the vicinity. An engineering report must be prepared by a registered hydrological, geotechnical or soils engineer. Before a grading permit will be issues, the following elements of the engineering report must be submitted to the City and approved:
 - (1a) An evaluation of existing conditions including slope stability, ground water, and surface water. Testing should use techniques that minimize disturbance to existing slopes and vegetation (for example, drilling cores for soil samples rather than digging with a back hoe.)
 - (2b) Site-specific recommendations for construction. Recommendations will depend on site conditions but may include the use of drain tiles, water-proofing walls, poured concrete foundations and sump pumps.
 - (3c) A schedule of inspections to be attended by City staff, the builder and the engineer who prepared the report. As a minimum, inspections shall be scheduled prior to grading, after grading and during installation of any special measures required to deal with slope stability or water conditions.

Before any additional building permits will be issued, a post-grading report must be submitted and approved by the City. This report must document conditions after grading, note any problems or conditions that were not anticipated or adequately addressed in the pre-grading portion of the engineering report and make recommendations for solutions to any problems found.

- (b2) Buildings should be designed to fit into the hillside without significant regrading to protect the stability of the slope and preserve existing trees while preventing excessively tall retaining walls and unattractive trough-shaped yards between buildings and retaining walls. Multi-story buildings are encouraged to reduce the size of the building footprint.
- (c3) Existing trees shall be preserved where possible and shall be protected during construction. New trees should be planted to partially obscure new hillside buildings and parking. To accomplish this a tree preservation plan shall be included with the site plan.
 - (1a) *Tree preservation plan: Required information.* The tree preservation plan shall include the following:

- a1. The location, diameter at breast height (DBH) and species of all existing trees six (6) inches DBH or larger within the limits of disturbance.
 - b2. The location and dimension of all buildings (existing and proposed); the location of easements, adjacent roadways and vehicular access driveways; existing and proposed grading; site drainage facilities; parking areas; sidewalks and utilities.
 - c3. The location of all trees that will be preserved and incorporated into the proposed site design. All tree drip lines shall be noted.
 - d4. A description of how trees will be protected before and during construction.
 - e5. The location of trees to be removed, replacement trees and areas proposed for additional landscaping, including, but not limited to, the tree name (botanical and common); the quantity of each species; tree caliper, measured six (6) inches aboveground; and a typical planting detail.
- (2b) *Tree replacement.* In areas with slopes steeper than twelve (12) percent, trees to be removed for development or reasonably anticipated to be lost due to development shall be replaced according to the following requirements:
- a1. Individual trees of at least twelve (12) inches DBH but less than eighteen (18) inches DBH shall be replaced on the basis of one (1) replacement tree for every one (1) tree removed.
 - b2. Individual trees of at least eighteen (18) inches DBH but less than twenty-four (24) inches DBH shall be replaced on the basis of two (2) replacement trees for every one (1) tree removed.
 - c3. Individual trees of twenty-four (24) inches DBH or larger shall be replaced on the basis of three (3) replacement trees for every one (1) tree removed.
 - d4. Replacement shall not be required for removal of trees in areas to be occupied by buildings, private streets, driveways, areas required for accessory parking or within a distance of fifteen (15) feet of a building foundation or for trees determined by the superintendent of parks to be hazardous, diseased, dying or dead.
 - e5. Trees designated for removal within the limits of disturbance may be transplanted within the site and counted as replacement trees.
 - f6. Deciduous replacement trees of nursery stock shall be at least two and one-half (2½) caliper inches and of a species similar to the tree(s) lost or removed. Coniferous replacement trees shall be at least six (6) feet in height and of species similar to the tree(s) lost or removed.
- (d4) Retaining walls taller than four feet shall be constructed under City permit with frost footings as required by the State Building Code and shall be engineered to retain lateral earth pressures consistent with the principles of soils mechanics, and shall be detailed to minimize hydrostatic pressures. On a case by case basis, the zoning administrator may relax these standards for retaining walls that serve minor landscaping purposes.
- (e5) On Irvine Avenue and on Pleasant Avenue between Ramsey Street and the Walnut Street public stairway, additional hillside design standards and guidelines apply as listed in the Irvine Avenue Development Plan of 2003.

Sec. 63.112. ~~{62.108}(e)~~ **Review of Earth-sheltered structures.**

In reviewing the site plan for earth-sheltered structures, the zoning administrator planning

~~commission~~ shall, in addition the above objectives, consider:

- (a~~1~~) Type and location of landscaping to ensure maximum compatibility with adjacent above-grade housing.
- (b~~2~~) Proper safeguards for erosion control, including, but not limited to, landscaping and seeding to topsoil. Slope and bluff locations should be evaluated for their ability to withstand crumbling or sagging.
- (c~~3~~) Proof of soil conditions which would not cause damage to adjacent users.
- (d~~4~~) Proper drainage systems to handle stormwater runoff.
- (e~~5~~) Minimum setbacks of four (4) feet shall be required for all below-grade construction. Above-grade portions shall meet setback requirements of the district in which located.

Sec. 62.119. Setback requirements for earth-sheltered structures.

~~All below ground portions of earth-sheltered structures shall have minimum setbacks of four (4) feet.~~
(Ord. No. 17039, 7-7-83)

Sec. 63.113. ~~{62.108}(f)~~ Review of Outdoor storage near residential districts and uses.

In reviewing the site plan for outdoor storage in industrial districts, the zoning administrator may permit outdoor storage to be within three hundred (300) feet of a residential district or of a property occupied by a one-, two-, ~~three-, four-, townhouse~~ [redundant language] or multifamily dwelling; provided; that:

- (a~~1~~) A visual screen, a minimum of six (6) feet in height, is placed between the outdoor storage and such residential district or use;
- (b~~2~~) The zoning administrator has considered the location and design of the outdoor storage area and visual screen in relation to any plans or guidelines approved by the city council and in relation to the design character and building materials of adjacent residential areas; ~~and~~
- (c~~3~~) The zoning administrator has notified by mail the property owners within three hundred fifty (350) feet of the outdoor storage area at least ten (10) days before the administrator is to approve the site plan and has considered the property owners' comments; ~~and~~.

Sec. 632.114~~07~~. Visual screens.

- (a) Wherever a visual screen is required by this code, it shall be of sufficient height and density to visually separate the screened activity from adjacent property. The screen may consist of various fence materials, earth berms, plant materials or a combination thereof.
- (b) Whenever visual screens are required, for the uses below, the following standards shall apply.

- (1) Height regulations:

| Use | Minimum Height | Maximum Height |
|--|----------------|----------------|
| Off-street parking | 4 ft. 6 in. | 6.5 ft. |
| Outdoor storage | 6 ft. | -- |
| Recycling drop-off station | 6 ft. | -- |
| Recycling collection center | 6 ft. | -- |
| Recycling processing center | 8 ft. | -- |
| Motor vehicle salvage operation | 8 ft. | -- |
| Hospital, ambulance and delivery areas | 6 ft. | 8.0 ft. |
| Utility building, stations and substations | 6 ft. | 8.0 ft. |

- (2) Visual screens shall be located completely within the lot line.
- (3) Visual screen locations shall conform with front yard setback lines in residential districts.

- (4) When mutually agreeable to all property owners involved, a required visual screen may be located on the opposite side of an alley right-of-way from the nonresidential zone. Maintenance shall be the responsibility of the person required to erect the screen.
- (5) The land between the screen and the property line shall be landscaped and maintained so that all plant materials are healthy and that the area is free from refuse and debris.
- (6) Required visual screens shall have no openings for pedestrians or vehicles except as shown on an approved site plan.
- (7) Visual screens shall be maintained in a good state of repair.
- (8) In all cases where a required visual screen would extend to an alley or street which is an entrance to or exit from an off-street parking facility, it shall be permissible to end the visual screen not more than ten (10) feet from such alley line or street line.
- (9) For multifamily structures with ten (10) or more units, office, commercial and industrial uses, garbage dumpsters and trash containers shall be **located to the rear of the principal building and** enclosed by a visual screen.

(Code 1956, § 62.107; Ord. No. 16799, 5-28-81; Ord. No. 17204, 1-15-85; Ord. No. 17777, 10-11-90; C.F. No. 93-777, § 2, 12-28-93)

Sec. 632.11509. Landscaping and plant materials.

- (a) **Landscape plans shall be based on a comprehensive site and soil inventory, the surrounding landscape, sustainability issues and maintenance requirements. The following guidelines shall be used in developing landscape plans.**
 - (1) **Connect or cluster landscape plantings together wherever possible, as opposed to creating isolated small plantings. Planting areas shall be at least four (4) feet in width.**
 - (2) **Reinforce the urban forest by preserving healthy mature trees where possible and planning for a continuous canopy of trees at maturity in areas adjoining public streets or parking lots. Foundation shrubs should be spaced close enough together to form a solid mass at maturity.**
 - (3) **Stormwater treatment shall employ best management practices and shall be integrated into the landscape design to the extent possible.**
- (b) The species, size, location and spacing of plant materials shall be appropriate for the purpose intended. ~~A list of plant materials hardy in Minnesota is provided in Appendix C to this zoning code and shall be regarded as suitable for purposes of this code.~~ **Plant materials must be hardy in Minnesota and for the conditions in which they will be planted.** [Replacement language is more useful and appropriate than Appendix C, and Appendix C should be deleted. Site plan review staff think it would be better to have a list of suggested plant materials that can be given to applicants as a guide, and can be easily updated without amending the zoning code.] Plant materials shall meet the following standards:
 - (1) Minimum plant sizes (at time of planting):
 - Medium and large trees*--2 1/2-inch caliper.
 - Small trees--6 to 8 feet overall height.
 - Shrubs--15 to 18 inches overall height.
 - *Shall be balled and burlapped stock.
 - (2) Wherever plant materials are used to satisfy a visual screen requirement, planting shall be sufficiently dense to provide an unbroken visual barrier within a maximum of two (2) growing seasons after the time of planting.

~~(3) Except as otherwise provided in section 60.574, planting areas shall be at least four (4) feet in width. [Moved to para. (a)(1) above.]~~

(34) The genus and species of all plant materials must be identified on all plans submitted for permit approval.

(c5) The owners shall be responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.

(Code 1956, § 62.110; Ord. No. 16799, 5-28-81; Ord. No. 17062, 10-20-83)

Sec. 632.1160. Exterior lighting.

(a) All outdoor lighting in all use districts, including off-street parking facilities, shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences in such a way as not to exceed three (3) footcandles measured at the residence district boundary.

(b) All lighting in all districts used for the external illumination of buildings shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

(c) Illumination of any other outdoor feature shall be maintained stationary and constant in intensity and color at all times when in use.

(Code 1956, § 62.111; Ord. No. 16799, 5-28-81)

Sec. 632.1175. Vibration Performance standards.

~~All uses shall conform to the following performance standards:~~

~~(1) Vibration.~~ Every use in an ~~IR-1~~ or ~~R~~~~CI~~=1 District shall be so operated that ground vibration is not perceptible, without instruments, at any point on any boundary line of the lot on which the use is located. Uses in I-2 and I-3 Districts creating intense earth-shaking vibrations, such as are created by heavy drop forges, shall be set back at least three hundred (300) feet from the boundary of a Residence or Business District and at least one hundred fifty (150) feet from an I ~~R~~=1 or ~~R~~~~CI~~=1 District unless such operation is controlled in such manner as to prevent transmission, beyond the lot lines, of vibration perceptible without instruments.

Sec. 63.118. Glare and heat.

~~(2) Glare and heat.~~ Any operation in an ~~IR-1~~ or ~~R~~~~CI~~=1 District producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along any boundary line of the lot on which the use is located. Any operation in an I-2 and I-3 District producing intense glare or heat shall be performed within a completely enclosed building or within an enclosure in such a manner as not to create a public nuisance or hazard along any boundary line of the lot on which the use is located.

(Code 1956, § 62.117; Ord. No. 17511, § 7, 11-12-87)

Sec. 63.119. Reserved.

Sec. 632.12014. Private residential pools and hot tubs.

Private outdoor residential pools, both above and below ground, and hot tubs are permitted as an accessory use within the rear yard or nonrequired side yard; except that, for multiple-family developments, the planning commission may determine the location of the pool or tub. Private outdoor pools and hot tubs shall meet the following requirements as applicable:

(a1) There shall be a distance of not less than ten (10) feet between the adjoining property line and

the outside of the pool wall for aboveground pools. For in-ground pools, there shall be a distance of not less than five (5) feet between the adjoining property line and the outside of the pool wall.

- (b2) There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
- (c3) No swimming pool shall be located less than ten (10) feet from any side street or alley right-of-way, or the distance required for side yard by the zoning code, whichever is greater.
- (d4) No swimming pool shall be located in a public easement.
- (e5) All yards of one- and two-family structures containing swimming pools shall be enclosed by an obscuring fence not less than four (4) feet in height. All yards of residential structures of three (3) or more units and commercial structures containing swimming pools shall be enclosed by an obscuring fence not less than five (5) feet in height. The gates shall be of a self-closing and self-latching type, with the latch on the inside of the gate, not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use.
- (f6) All yards containing hot tubs shall be secured as in subsection (5) above or shall have a cover which shall be locked when the hot tub is not in use.

(Code 1956, § 62.116; Ord. No. 17038, 7-5-83; Ord. No. 17204, 1-15-85; C.F. No. 99-750, § 11, 9-1-99)

Sec. 632.1217. Radio and television antennas.

Antennas, including single satellite dish TVRO's three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, ham radio transmitters and television receivers, are permitted as accessory uses in all zoning districts and shall meet the following requirements:

- (a+) Accessory antennas shall not be erected in any required yard, except a rear yard, and shall be set back a minimum of three (3) feet from all lot lines.
- (b2) Guy wires or guy wire anchors shall be set back a minimum of one (1) foot from all lot lines.
- (c3) Accessory antennas and necessary support structures, monopoles or towers may extend a maximum of fifteen (15) feet above the normal height restriction for the affected zoning district.

(Ord. No. 16906, 4-20-82; C.F. No. 93-1815, § 16, 12-28-93)

Sec. 62.120. Nonuse of cellular telephone antennas. [Moved to new §65.310, Antenna, cellular telephone.]

ARTICLE II. 63.200. PARKING REQUIREMENTS

Sec. 62.103. Parking requirements.

Sec. 63.201. Off-street parking.

~~(a) Off-street parking.~~ Except in a B-4 or B-5 District, off-street parking spaces shall be provided in all districts at the time of erection, enlargement or expansion of all buildings in accordance with the requirements of this section. Before a certificate of occupancy shall be issued, the number of off-street parking spaces provided shall be as hereinafter prescribed. In ~~an OS-2~~ the **TN3 Traditional Neighborhood** District, the number of off-street parking spaces provided shall be at least two-thirds (2/3) of the number hereinafter prescribed.

Sec. 63.202. Site plan required.

~~(b) Site plan required.~~ A site plan approved by the planning commission shall be required for the establishment of a new off-street parking facility, for the paving of an unimproved off-street parking facility and for the repaving of an off-street parking facility whose existing paved surface is removed. These facilities shall meet ~~the~~ **all** standards and regulations **for parking facilities and site plans** contained in this **zoning code** section, ~~section 62.104 and section 62.108~~, and all paving shall require a building permit pursuant to Chapter 33 of the Legislative Code. A site plan shall not be required when a new coating is applied over an existing paved surface. Site plans for one- to four-family dwellings ~~units~~ may be approved by the zoning administrator.

Sec. 63.203. Multi-tenant buildings and shared spaces.

~~(c) Multi-tenant buildings and shared spaces.~~ The parking requirement for each use in a multi-tenant building shall be determined based on the percentage of the gross floor area used by each use in the multi-tenant building. Any shared space, such as an atrium, common area, utility area, unfinished basement, public or shared restrooms, staircase or elevator area shall be considered, for purposes of determining parking requirements, the same as storage areas. Uses with access to these shared spaces shall be responsible for providing the required parking for these spaces.

Sec. 63.204. Change in use within a structure.

~~(d) Change in use within a structure.~~ When any uses which exist within a structure change to a new use, the following rules shall apply:

- ~~(a)~~ **(a) Change in use requiring additional parking.** Except when commercial uses are established in the B=2C District or when parking is specifically required for a ~~special~~ **conditional** use permit, when any existing uses change to new uses which require six (6) or more additional off-street parking spaces than the existing uses, the six (6) or more additional spaces shall be provided along with the spaces already provided ~~by the existing uses~~. New uses which require five (5) or fewer spaces than the existing uses shall be exempt from providing additional spaces. However, this exemption provision shall be calculated cumulatively **starting from adoption of this provision on January 3, 1994**, so that no property receives a total exemption of more than five (5) spaces ~~since the adoption of the provision on January 3, 1994~~.
- (b) Change in use requiring less parking.** When any existing uses change to new uses which require fewer off-street parking spaces than the existing uses, the new uses requiring fewer off-street parking spaces shall be considered as the existing uses when determining any subsequent change in use requiring additional off-street parking spaces in (1) above.
- ~~(c)~~ **(c) Vacant structures.** When a structure, or part of a structure, is vacant, the zoning administrator shall determine the previous existing use for purposes of calculating parking requirements using city records, land use surveys or directories.

Sec. 63.205. Change in use of parking areas.

~~(e) Change in use of parking areas.~~ Designated or identifiable existing off-street parking facilities, accessory to one (1) or more principal uses, structures or facilities, may be changed to another use when the remaining off-street parking meets the requirements that this section would impose on new buildings for all facilities, structures or uses, including the new use. When the remaining off-street parking does not meet such requirements, other off-street parking shall be substituted for the parking spaces ~~changed~~ to another use, and additional off-street parking shall be provided for the new use in accordance with the requirements of this section.

Sec. 63.206. Rules for computing required parking. ~~(f) Rules for computing required parking.~~

- ~~(a)~~ **(a)** For the purpose of computing the number of parking spaces required, the definition of "gross floor area" in section 60.207 ~~6~~ shall apply.

- (b2) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall require one (1) parking space.
- (c3) There shall be provided off-street parking spaces for all premises licensed for on-sale intoxicating liquor (excluding restaurants licensed for wine, strong beer, or nonintoxicating malt liquor) or entertainment as provided herein:
- a. ~~Transfer or new issuance of a license to a structure newly constructed for that purpose, off-street parking pursuant to section 62.103(g).~~ [Redundant language; parking for new construction of any kind is required under §63.201.]
 - (1)b. ~~Transfer or new~~ [Licenses are not transferrable, so the reference to transfer is not needed.] Issuance of a license to an existing structure not previously licensed during the twenty-four (24) months preceding the application, off-street parking pursuant to section ~~632.12073(g)~~.
 - (2)c. Expansion of a licensed structure with an on-sale intoxicating liquor or an entertainment license, off-street parking at the same rate as transfer or new issuance to an existing structure not previously licensed, plus twenty-five (25) percent of any parking shortfall for the existing building licensed area. "Parking shortfall" shall mean the difference between required parking pursuant to section ~~632.12073(g)~~ for the existing licensed structure minus the number of parking spaces actually provided for that structure.
 - (3)d. Expansion of a licensed structure with an on-sale intoxicating liquor or an entertainment license, or an upgrade in an ~~on-sale intoxicating liquor or~~ [There is only one grade of liquor license.] entertainment license, when located within six hundred fifty (650) feet of another existing establishment with an on-sale intoxicating liquor or entertainment license shall provide an additional fifteen (15) percent of any parking shortfall.
- (d4) When at least one (1) of two (2) or more uses has a parking deficiency and their peak parking hours do not overlap, the zoning administrator may permit the dual function of their off-street parking spaces as long as peak parking hours for the uses do not overlap and the uses within the buildings do not change and thereby require additional off-street parking. Building owners with such shared parking permits shall submit an annual statement to LIEP which verifies the nonconcurrent peak parking hours of the buildings involved with the shared parking permit and a list of uses within each building to verify no changes in uses which would require additional parking.
- (e5) a. If parking spaces are provided for self-parking, accessible spaces shall be provided as required by the Accessibility Guidelines for Buildings and Facilities of the Americans with Disabilities Act (ADA) in conformance with the table below. One (1) in every eight (8) accessible spaces, but at least one (1) space, shall be van accessible. Required spaces need not be provided in the particular lot but may be provided in a different location if equivalent or greater accessibility is ensured. Each space reserved for the exclusive use of the handicapped shall be designated by a sign with the international wheelchair symbol. Parking facilities for residential uses with fewer than five (5) units are exempt from this standard but shall provide accessible spaces upon request of residents with handicaps.

| Total Parking In Lot | Required Minimum Number of Accessible Spaces |
|----------------------|--|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |

| | |
|----------------|----------------------------------|
| 151 to 200 | 6 |
| 201 to 300 | 7 |
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 to 1,000 | 2 percent of total |
| 1,001 and over | 20 plus 1 for each 100 over 1000 |

b. If an existing parking facility loses off-street parking spaces as a result of moving the facility toward compliance with the provisions of the Americans with Disabilities Act, the parking facility shall be credited with the number of parking spaces lost when calculating the total number of spaces provided for zoning purposes.

(f6) The storage of merchandise or trucks, the repair of vehicles, or the business of selling merchandise is prohibited in off-street parking areas.

(g7) When any land or building is used for two (2) or more distinguishable uses, or when owners or managers of a group of buildings in a contiguous area wish to provide parking cooperatively through a shared parking agreement, the planning commission may approve a shared off-street parking facility permit. The number of off-street spaces required to serve the combination of all uses shall be determined in accordance with this section. The uses to which this section may be applied are: Office, retail, restaurant, cinema, residential, and/or hotel. The methodology used to determine the minimum number of shared off-street spaces shall be the department of planning and economic development's current shared parking computer program, which is based on the Urban Land Institute's (ULI) Model Shared Parking Program. All mixed use developments using this section shall meet the standards and requirements of the PED shared parking program subject to site plan approval as hereinafter set forth and except as otherwise amended herein. The following conditions shall apply to any shared parking facility for mixed uses:

(1)a. All requirements and conditions imposed upon the shared parking facility shall be recorded on the abstracts or certificates of title of the land upon which the facility is located and on the titles and lease agreements of the uses sharing the facility and shall serve as notice to all subsequent purchasers of the existence of the shared parking facility and all requirements associated therewith.

(2)b. Each use in the mixed use development shall be within five hundred (500) feet of the shared parking facility, measured from the nearest point of the building in which the use is located to the nearest point of the shared parking facility.

(3)c. Parking spaces reserved on a twenty-four-hour basis cannot be shared and may not be included in the minimum space requirements for the shared parking facility.

(4)d. All uses and buildings comprising the mixed use development, whether new or existing, must be included in determining the parking requirement under this section.

(5)e. All applications and plans for shared parking facilities shall be submitted for site plan review in accordance with ~~section 62.108~~ the requirements of this code. All proposed uses for the mixed use development, together with all parking spaces and access drives, shall be clearly designated on the site plan. Landscaped areas shall also be designated, and proposed tree and shrubbery plantings shall be described. The commission may attach such additional conditions to approval of the site plan as are reasonable and necessary to prevent any adverse impact upon nearby streets or properties.

(6)f. Parking spaces designated for the handicapped shall be provided in accordance with the

provisions of the Accessibility Guidelines for Buildings and Facilities of the Americans with Disabilities Act (ADA).

- (7)g. After a shared parking facility has been approved, any subsequent change, addition or deletion in the original mixed land uses or change in intensity of such uses requiring more than five (5) additional spaces shall require permit review and approval by the planning commission. No ~~special~~ conditional use or occupancy permit for the new or changed uses shall be issued without such approval from the planning commission unless additional off-street parking spaces are provided in accordance with ~~subsection (6) above~~ **63.207, Parking requirements by use**. The applicant, its successors and assigns shall certify on demand in writing to the planning administrator and zoning administrator that the mixed use development and shared parking facility continue to comply with the provisions of this section, the conditions of site plan approval and any covenants, agreements or bonds executed in conjunction therewith; that no substantial physical or operational changes have been made to the mixed use development or shared parking facility; and that no intensification of uses has occurred.
- (8)h. The month of the year that results in the greatest demand will be used to determine the minimum number of parking spaces required. The planning commission may modify the standard assumptions (percent auto usage, patrons outside hotel, captive market retail, noncaptive market--nonretail, and noncaptive market residential) if the applicant provides proof of one (1) or more of the following:
- a1. The location within five hundred (500) feet of the mixed use development of other parking facilities whose peak periods of use do not conflict with those of the proposed mixed use development or which have excess parking spaces;
 - b2. For office uses, a ride sharing program, when the applicant submits evidence that it will organize and coordinate a viable ride sharing program. The applicant may be required to submit covenants or other appropriate instruments, in recordable form, to ensure that the applicant and its successors and assigns will continue to implement the ride sharing program. Performance bonds may also be required where appropriate; or
 - c3. Reservation by the applicant by way of covenant or other instrument in recordable form of land or space within five hundred (500) feet of the mixed use development, sufficient to provide additional parking spaces equivalent to the number of spaces being reduced for a period of not less than five (5) years.

Sec. 63.207. Parking requirements by use.

~~(g) Parking requirements by use. Except as provided in section 60.573, [Section 60.573 does not apply.]~~

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

| Land Use | Minimum Number of Parking Spaces Per Unit of Measure |
|---|--|
| Residential Uses | |
| Single-family Dwelling | 1.5 spaces per unit |
| Single-family Dwelling in R-EL zones | 2.0 spaces per unit |
| Housing on Irvine Avenue | 2.0 spaces per unit plus one (1) guest parking area per unit (Refer to 62.104(18) see section 63.312) |
| Two-family/duplex | 1.5 spaces per unit |

| Land Use | Minimum Number of Parking Spaces Per Unit of Measure |
|--|---|
| Low/mid-rise apartment | 1.5 spaces per unit |
| High-rise apartment | 1.5 spaces per unit |
| Condominium | 1.5 spaces per unit |
| Housing for the elderly | 0.33 spaces per unit |
| Community residential facility, emergency housing facility, shelter for battered persons, transitional housing facility [moved here from text] | 1 space per every 2 adult facility residents beds plus 1 space per day shift employee or full-time equivalent [made consistent with requirement in existing text] |
| Mission | 1 space per employee |
| Rooming house | 1 space per 3 occupancy units |
| Boarding care home | 1 space per 2 beds and 1 space per day shift employee or full-time equivalent |
| Nursing home | 1 space per 3 beds and 1 space per each 2-day shift employees or full-time equivalent |
| Dormitory | 1 for every 3 beds |
| Fraternity, sorority | 1 for every 5 active members or 1 for every 2 beds, whichever is greater |
| Civic and Institutional Uses | |
| Educational and Religious Institutions | |
| Church/chapel/synagogue/temple | 1 space per 3 seats or 6 feet of pews in the main unit of worship |
| Day care center | 1 space per employee |
| Elementary/middle/junior high school | 1 space per teacher or administrator |
| Senior high school | 1 space per employee, teacher and staff member and 1 per 10 students |
| Technical college, trade school, business school | 1 space per every 2 employees and staff members and 1 per every full-time student or 3 part-time students |
| University, college, seminary | 1 per every 2 employees and staff members and either 1 per every 3 full-time students not on campus or 1 for every 3 part-time students, whichever is greater |
| Social, Cultural and Recreational Facilities | |
| Private Club, lodge hall | 1 space per 75 sq. ft. GFA |
| Golf course | 6 spaces per hole and 1 per employee |
| Golf driving range | 1 space per 15 feet of driving line |
| Multi-use community centers | 1 space per 250 sq. ft. GFA |
| Museum, art gallery | 1 space per 500 sq. ft. GFA |
| Public library | 1 space per 450 sq. ft. GFA |
| Commercial Service Uses | |
| Offices | |
| General offices | 1 space per 350 sq. ft. GFA |
| Office park | 1 space per 400 sq. ft. GFA |
| Finance, insurance, real estate office | 1 space per 275 sq. ft. GFA |
| Photographic studio | 1 space per 800 sq. ft. GFA |
| Medical Facilities | |
| Hospital | 1.8 spaces per bed |
| Medical/dental clinic/office | 1 space per 250 sq. ft. GFA |
| Veterinary clinic/hospital | 1 space per 250 sq. ft. GFA |
| Retail Sales and Services | |
| General retail, retail stores in general | 1 space per 225 sq. ft. GFA |
| Apparel store [listed under general retail] | 1 space per 225 sq. ft. GFA |

| Land Use | Minimum Number of Parking Spaces Per Unit of Measure |
|--|--|
| Bank | 1 space per 240 sq. ft. GFA plus 5 stacking spaces per lane for drive-in bank |
| Beauty parlor, barber shop | 1 space per 250 sq. ft. GFA |
| Convenience market, supermarket | 1 space per 250 sq. ft. GFA |
| Drug store | 1 space per 250 sq. ft. GFA |
| Furniture/appliance store | 1 space per 500 sq. ft. GFA |
| Hardware/paint store | 1 space per 340 sq. ft. GFA |
| Laundromats, coin-operated dry cleaners | 1 space per every 3 washing or cleaning machines |
| Lumber yard, building materials center | 1 space per 275 sq. ft. of indoor sales area plus 1 space per 5,000 sq. ft. of warehouse/storage. |
| Massage parlor | 1 space per 300 sq. ft. GFA |
| Mortuary | 1 space per 150 sq. ft. GFA |
| Multi-use retail center | 1 space per 280 sq. ft. GFA |
| Package Express delivery service | 1 space per 500 sq. ft. GFA plus 1 space per employee |
| Post office | 1 space per 500 sq. ft. GFA plus 1 space per each 2 employees |
| Pawn shop, within a completely enclosed building | 1 space per 225 sq. ft. GFA |
| Pawn shop, with outdoor sales space | 1 space per 400 sq. ft. of area for sales, office, plus 1 space per 2,000 sq. ft. of outdoor sales |
| Repair shop | 1 space per 300 sq. ft. GFA |
| Showrooms, contractor's shop, exhibition halls, | 1 space per 900 sq. ft. GFA |
| Food and Beverages | |
| Coffee shop, tea house | 1 space per 175 sq. ft. GFA |
| Restaurant with or without on-sale wine, strong beer, or nonintoxicating malt liquor | 1 space per 125 sq. ft. GFA |
| Establishment with on-sale intoxicating liquor or entertainment license class A | 1 space per 100 sq. ft. GFA and as required in section 62.103(f)(3) |
| Establishment with on-sale intoxicating liquor or entertainment license class B or C | 1 space per 75 sq. ft. GFA and as required in section 62.103(f)(3) |
| Restaurant, carry-out | 1 space per 225 sq. ft. GFA |
| Fast food Restaurant, fast food | 1 space per 110 sq. ft. GFA plus 6 stacking spaces for drive-through lane |
| Lodging | |
| Bed and breakfast-residential | 1.5 spaces per unit and 1 space per B & B unit up to and including 3 rooms |
| Bed and breakfast residence-commercial | 1.5 spaces per dwelling unit and 0.5 spaces per guest room |
| Hotel or motel | 1 space per occupancy unit plus additional for bars, restaurants, assembly rooms |
| Commercial Recreation and Entertainment | |
| Basketball, volleyball court | 9 spaces per court |
| Bowling, bocce ball center, billiard hall | 4 spaces per lane, 2 spaces per table and plus required parking for other uses |
| Dance hall, bingo hall, electronic game rooms, and assembly halls without fixed seats | 1 space per 75 sq. ft. GFA |
| Marina | 1 space per 2 slips |
| Miniature golf | 1 space per hole |
| Roller rink, ice-skating rink | 1 space per 100 sq. ft. GFA |
| Sports club, health spa, karate club | 1 space per 260 sq. ft. GFA plus 1 space per employee |
| Stadium, sports arena | 1 space per 4 seats or 1 for each 8 feet of benches plus 1 space per 2 employees |
| Swimming club | 1 space per 400 sq. ft. GFA |

| Land Use | Minimum Number of Parking Spaces Per Unit of Measure |
|---|--|
| Tennis, racquetball, handball, courts/club | 3 spaces per court or lane, 1 space per 260 sq. ft. GFA of related uses, and 1 space per employee |
| Theater, auditorium | 1 space per 4 seats and 1 space per 2 employees |
| Automobile Services | |
| Automobile convenience market | 1 space per 225 sq. ft. GFA |
| Automobile repair shop, service station, body shop, specialty store | 1 space per 275 sq. ft. GFA plus 1 space per each auto service stall |
| Auto repair accessory to auto sales | 2 spaces per auto service stall |
| Automobile sales new/used | 1 space per 400 sq. ft. or area for sales, office, plus 1 space per 2,000 sq. ft. of outdoor sales |
| Automobile Car wash | 5 stacked spaces per washing lane, 2.5 spaces per stall for self-service, and 1 space per 2 employees |
| Limited Processing and Storage | |
| Self-service storage | 1 space per 5,500 sq. ft. GFA |
| Warehousing, storage | 1 space per 5,000 sq. ft. GFA |
| Wholesaling | 1 space per 1,500 sq. ft. GFA |
| Industrial Uses | |
| Industrial, manufacturing | 1 space per 650 sq. ft. GFA or 1 space per 2,000 sq. ft. GFA if more than 50% of production floor space is occupied by automated machinery |
| Research and development | 1 space per 575 sq. ft. GFA |
| Sheltered workshop | 1 space per employee plus 1 for each 25 program participants |
| Utility building | 1 space per employee |

[Land uses in table above have been reordered slightly to be alphabetical and/or more logical and consistent with the land use tables in Chapter 66.]

Sec. 63.208. Parking requirements for other uses.

~~(h) Parking requirements for other uses.~~ For those uses not specifically mentioned in ~~paragraph (g)~~ **section 63.207**, the requirements for off-street parking shall be in accordance with a use which the planning commission considers as similar in type. When the planning commission determines that there is no use listed in **section 63.207** ~~paragraph (g)~~ which is similar to a petitioning use, the planning commission may determine the minimum number of parking spaces required for such use.

Sec. 63.209. Legal nonconforming parking deficiency.

~~(i) Legal nonconforming parking deficiency.~~ Nonresidential uses with a legal nonconforming parking deficiency may provide additional parking spaces, when not associated with the expansion of the gross floor area or a change in use requiring additional parking, that can be "saved" and used to meet a future parking requirement. Such additional parking must be legally added with an approved site plan and can only be "saved" for three (3) years from site plan approval date for surface parking and for six (6) years from site plan approval date for structured parking. Such parking will not be used to decrease the legal nonconforming parking deficiency for this period of time. If these parking spaces are not needed to meet a new parking requirement associated with either an expansion of the gross floor area or a change in use requiring additional parking, after three (3) years for surface parking or after six (6) years for structured parking, the parking spaces will be used to decrease any legal nonconforming parking deficiency that may exist.

Sec. 63.210. Bicycle parking bonus.

~~(j) — Parking bonus provisions.~~

~~—— (1) — Bicycle parking bonus:~~

- (a): A nonresidential use with between five thousand (5,000) square feet and ten thousand (10,000) square feet of land area dedicated to parking may substitute bicycle parking for a portion of its minimum off-street parking requirement not to exceed one (1) parking space.
- (b): A nonresidential use with more than ten thousand (10,000) square feet of land area dedicated to parking may substitute bicycle parking for a portion of its minimum off-street parking requirement not to exceed two (2) parking spaces.
- (c): For the purpose of calculating a permitted substitution, two (2) completely enclosed and secure bicycle lockers are the equivalent of one (1) parking space; five (5) spaces in a bicycle rack are the equivalent of one (1) parking space.
- (d): The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient third of the automobile parking. In addition, bicycle parking facilities shall be anchored to prevent easy removal.

(Code 1956, § 62.103; Ord. No. 16799, 5-28-81; Ord. No. 17062, 10-20-83; Ord. No. 17204, 1-15-85; Ord. No. 17205, 1-15-85; Ord. No. 17330, § 2, 2-18-86; Ord. No. 17393, § 5, 9-4-86; Ord. No. 17470, §§ 2, 3, 7-1-87; Ord. No. 17524, § 24, 1-6-88; Ord. No. 17646, § 7, 4-6-89; Ord. No. 17689, § 7, 10-26-89; Ord. No. 17889, § 19, 11-21-91; C.F. No. 91-261, §§ 4--7, 11-23-93; C.F. No. 93-1324, §§ 2--4, 6, 11-23-93; C.F. No. 93-1718, §§ 67--69, 12-14-93; C.F. No. 95-203, §§ 3--6, 3-22-95; C.F. No. 95-1444, § 4, 1-17-96; C.F. No. 96-462, §§ 8, 9, 6-5-96; C.F. No. 96-1028, § 5, 10-9-96; C.F. No. 98-216, § 6, 4-8-98; C.F. No. 99-750, § 8, 9-1-99; C.F. No. 00-972, 11-8-00)

ARTICLE III. 63.300. OFF-STREET PARKING FACILITY STANDARDS AND DESIGN

Sec. ~~632.301~~**64. Off-street parking facility standards and design.**

Wherever the off-street parking requirements in **Article II, Parking Requirements, of this chapter** ~~section 62.103~~ require the building of an off-street facility, or where **a VP= Vehicular Parking Districts (section 60.720)** ~~are~~ **is** provided, or where any off-street parking facility is built, such off-street parking facilities shall be laid out, constructed and maintained in accordance with the following standards and design.

Sec. 63.302. Site plan review.

~~(1) Site plan review.~~ A site plan shall be submitted for review as outlined in section ~~612.402~~**108**. In addition, the following shall be submitted:

- (a): Ownership of all lots or parcels intended for use as parking;
- (b): Indication of all structures or facilities to be served by the off-street parking facility; **and**
- (c): Location and direction of drainage for stormwater runoff.

Applications for building permits that involve changing any parking space to another use shall include the following information:

- ~~(1i)~~ All uses, structures or facilities served by such off-street parking spaces;
- ~~(2ii)~~ Total number of parking spaces accessory to such uses, structures or facilities; **and**
- ~~(3iii)~~ Number of parking spaces proposed to be changed to another use.

Sec. 63.303. Parking location, residential.

~~(2) Parking facility location; residential.~~ Residential off-street parking shall consist of an off-street parking facility or parking spaces as defined in this code. Parking spaces for one- and two-family

dwelling units shall be located on the same zoning lot that they are intended to serve. Parking spaces for buildings containing three (3) or more dwelling units shall be on the same zoning lot, in a **VP-1 zoning Vehicular Parking D**istrict, or in an abutting zoning lot in the same or less restrictive zoning district.

Sec. 63.304. Parking location, nonresidential.

~~(3) *Parking facility location; nonresidential.*~~ Off-street parking for other than residential use shall be either:

- (a) On the same zoning lot **as the building it is intended to serve;**; or
- (b) In a **VP-1 Vehicular Parking District**, ~~in a shared parking arrangement pursuant to section 60.413(15);~~ or within the same or a less restrictive zoning district as the principal use. **This parking shall be located** and within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot; **or**
- (c) **Part of a shared commercial parking arrangement in an institutional lot pursuant to section 65.732.** [This clarifies language that has caused some confusion about whether shared parking must be within 300 feet of the principal use or within 500 feet as provided in existing §60.413(15) governing shared parking arrangements.]

Sec. 63.305. Minimum layout dimensions.

~~(4) *Minimum layout dimensions.*~~

| Pattern | Parking Space Width | Parking Space Length | Maneuvering Lane Width |
|------------------|---------------------|----------------------|------------------------|
| Parallel Parking | 8 ft. | 21 ft. | 12 ft. |
| 30° - 53° | 8 ft., 6 in. | 18 ft. | 12 ft. |
| 54° - 74° | 8 ft., 6 in. | 18 ft. | 15 ft. |
| 75° - 90° | 9 ft. | 18 ft. | 20 ft. |

INSET: Parking Space Pattern

Sec. 63.306. Compact spaces.

~~(5) *Compact spaces.*~~ Accessory parking facilities may designate up to fifty (50) percent of the spaces for compact cars only, in which case, the minimum layout dimensions may be reduced to eight (8) feet in width and sixteen (16) feet in length. Compact spaces shall be designated by signs with a minimum of one (1) sign per every four (4) compact spaces.

Commercial parking facilities may designate any number of compact parking spaces.

Sec. 63.307. Handicapped accessible parking spaces.

~~(6) *Handicapped accessible parking spaces.*~~ Parking spaces for the handicapped shall be designed in accordance with the provisions of the Accessibility Guidelines for Buildings and Facilities of the Americans with Disabilities Act (ADA).

Sec. 63.308. Maneuvering lanes.

~~(7) *Maneuvering lanes.*~~ Except as provided in ~~paragraph (8) of this section~~ **63.309**, access to any parking space for a use other than one- or two-family structures shall be provided by a maneuvering lane. All off-street parking facilities shall be designed so that any vehicle leaving or entering the facility from or onto a public street shall be traveling forward.

Sec. 63.309. Stacked parking.

~~(8) *Stacked parking.*~~ Stacked parking shall be allowed in any off-street parking facility whenever an attendant is present. Space for any maneuvering of vehicles must be provided in the attended parking

facility.

Sec. 63.310. Entrances and exits.

~~(9) Entrances and exits.~~ Adequate entrances and exits to and from the parking facility shall be provided by means of clearly defined and limited drives.

- (a): Entrances and exits to and from a parking facility on residentially zoned land shall not be across land in a more restrictive residential zoning district.
- (b): Entrances and exits to and from a parking facility in a commercial or industrial zoning district shall not be across land in a residential district.
- (c): Entrances and exits to and from all parking facilities located in land zoned other than R-LL, ~~R-1 through R-4, RT-1, and -RT-2~~ shall be at least twenty-five (25) feet from any adjoining property in ~~RL-1 through R-4, RT-1 and RT-2~~ zoning districts.
- (d): Entrances and exits to and from a parking facility shall be at least thirty (30) feet from the point of intersection of curblines of two (2) or more intersecting streets.
- (e): Alley access from residential property. Entrances and exits to and from all off-street parking facilities located on land zoned for residential use shall be permitted access to an alley except where it is determined in the review of a site plan application that permitting alley access may be harmful to the public peace, health and safety.

Uses prohibited alley access elsewhere in the zoning code shall not be permitted alley access by the provisions of this section.

- (f): Alley access from nonresidential property. Entrances and exits to and from all off-street parking facilities which are located on land in nonresidential zoning districts and which abut residentially zoned land across an alley shall be denied alley access except where the applicant can establish, in the review of a site plan application, that allowance of alley access would not create or aggravate an unsafe condition and one (1) or more of the following conditions exist:
 - (1): Alternatives to alley access are unsafe due to traffic volumes, traffic speeds, proximity to an intersection, steep slopes, a blind pedestrian crossing, or some other unsafe condition;
 - (2): The location of existing structures on the property prohibits access to the street;
 - (3): A comprehensive plan or a neighborhood plan approved by the city council recommends that new off-street parking facilities be located in the rear of development sites or discourage additional curb cuts or driveways across sidewalks; or
 - (4): The number of parking spaces in the off-street parking facility is seven (7) or less.

If a new alley access is proposed which will serve eight (8) or more parking spaces, notice to adjacent property owners and opportunity for them to comment shall be provided in the manner set forth in section ~~612.402+08(b)(5)~~ 614.3700. Decisions to grant or deny alley access are subject to appeal pursuant to the provisions of section 614.3700.

Uses prohibited alley access elsewhere in the zoning code shall not be permitted alley access by the provisions of this section.

Sec. 63.311. Wheel stops.

~~(10) Wheel stops.~~ Provisions shall be made by use of such devices as curbs, wheel stops and earth berms to prevent vehicles from damaging or overhanging adjacent property, ~~or public rights-of-way~~ or required landscaping.

Sec. 63.312. Setback.

~~(11) Setback.~~ Except as otherwise provided in section 660. 442573(1)(c) or section 661.431(b)103(a) off-street parking spaces shall not be within a required front or side yard and shall be a minimum of four (4) feet from any ~~side~~ lot line. [Setback from rear lot lines should be the same as from side lot lines, and this is zoning administrator policy but not now but not clearly stated in the code.] ~~(18)~~ For housing on Irvine Avenue, a guest parking space may be provided on the driveway or elsewhere. If it is provided elsewhere, a guest parking area is exempt from setback requirements for parking spaces and it may be paved with gravel.

Sec. 63.313. Visual screening.

~~(12) Visual screening.~~ For off-street parking facilities which adjoin or abut across an alley, a residential use or zoning district, a visual screen shall be provided and maintained; as required in section 632.11407, **Visual screens.**

Sec. 63.314. Landscaping.

~~(13) Landscaping.~~ For any parking facility, other than a parking garage, landscaping shall be provided to buffer the facility from adjacent properties and from the public right-of-way; reduce the visual glare and heat effects of large expanses of pavement; and provide areas for the retention and absorption of stormwater runoff. All required yards and any underdeveloped space shall be landscaped using materials such as trees, shrubs, sod or groundcover plants. ~~In addition to perimeter landscaping, parking lots for more than fifty (50) cars shall contain planted islands. As a minimum, one (1) square foot of landscaped area shall be provided for every ten (10) square feet of paving. A fast-food restaurant that is not part of a retail strip center shall provide, as a minimum, one and one-half (1.5) square feet of landscaped area for every ten (10) square feet of paving.~~ Any landscaped area shall be planted and maintained in accordance with section 632.11509, **Landscaping and plant materials.** **All parking and loading areas (including drive-through facilities, outdoor auto sales and rental, pump island service areas and stacking spaces) adjoining public streets or sidewalks shall provide:**

- (a) A landscaped yard at least 4 feet wide along the public street or sidewalk. If vehicles may overhang the yard, an additional 3 feet of width shall be provided.**
- (b) In all districts except industrial districts, screening shall be provided consisting of a masonry wall or decorative fence (not including chain link) supplemented with landscape material, forming a screen a minimum of 3 feet in height, a maximum of 4½ feet in height, and not less than 50 percent opaque.**
- (c) In addition to perimeter landscaping, parking lots for more than fifty (50) cars shall contain planted islands. As a minimum, one (1) square foot of landscaped area shall be provided for every ten (10) square feet of paving.**
- (d) A fast-food restaurant that is not part of a retail strip center shall provide, as a minimum, one and one-half (1.5) square feet of landscaped area for every ten (10) square feet of paving.**

Sec. 63.315. Maintenance.

~~(14) Maintenance.~~ All areas of all off-street parking facilities shall be kept free from refuse and debris.

Sec. 63.316. Paving.

~~(15) Paving.~~ All parking spaces, **driveways** and off-street parking facilities shall be paved with asphalt or other durable, dustless surfacing **or of material comparable to the adjacent street surfacing** [This reflects current policy.] in accordance with other specifications of the zoning administrator. The parking area shall be paved within one year of the date of the permit except as provided in section 612.14028(cf).

Sec. 63.317. Parking structures.

- (a) The ground floor facade abutting any public street or walkway shall be designed and architecturally detailed in a manner consistent with nearby commercial or office buildings.
- (b) The design of upper floors shall ensure that sloped floors do not dominate the appearance of the facade.
- (c) Windows or openings shall be provided that echo those of surrounding buildings.
- (d) Entrance drives to structured parking (including underground parking) shall be located and designed to minimize interference with pedestrian movement. Pedestrian walks shall be continued across driveways.
- (e) The appearance of structured parking entrances shall be minimized so that they do not dominate the street frontage of a building. Possible techniques include recessing the entry; extending portions of the structure over the entry; using screening and landscaping to soften the appearance of the entry; using the smallest curb cut and driveway possible; and subordinating the parking entrance (compared to the pedestrian entrance) in terms of size, prominence, location and design emphasis.

Sec. 63.318. Lighting.

~~(16) Lighting.~~ All parking facilities shall be illuminated to a level to allow safe, secure access to the parking facility and within it. **Light fixtures on the top level of parking structures shall be set back from the edge so that they are not visible from the adjoining street.** All parking facility illumination shall conform to the provisions of section 632.1160, **Exterior lighting.**

Sec. 63.319. Stormwater runoff.

~~(17) Stormwater runoff.~~ **Stormwater drainage from** off-street parking facilities ~~stormwater drainage~~ into public sewers shall be controlled so that peak stormwater discharge rates from the site for all storms up to and including the critical 100-year frequency will not exceed:

$Q = 1.64 \times A$ where Q = the maximum acceptable discharge rate in cubic feet per second and
A = the site area in acres.

Parking facilities shall be designed so that discharge of all stormwater runoff and surface water shall be in a fashion so as to preclude drainage of water onto adjacent property or toward buildings.

~~(18) For housing on Irvine Avenue . . .~~ [Moved to §63.312 above.]

(Code 1956, § 62.104; Ord. No. 16799, 5-28-81; Ord. No. 17062, 10-20-83; Ord. No. 17204, 1-15-85; Ord. No. 17524, §§ 25, 26, 1-6-88; Ord. No. 17689, § 8, 10-26-89; Ord. No. 17779, § 2, 10-11-90; Ord. No. 17889, § 20, 11-21-91; C.F. No. 93-1718, §§ 70--73, 12-14-93; C.F. No. 93-777, § 1, 12-28-93; C.F. No. 97-1089, § 6, 10-1-97)

ARTICLE IV. 63.400. OFF-STREET LOADING AND UNLOADING

Sec. 632.40105. Off-street loading and unloading.

On the same premises with every building, structure or part thereof involving the receipt and distribution of vehicles, materials, merchandise, supplies or equipment, there shall be provided and maintained on the zoning lot, in addition to ~~zoning~~ off-street parking **in conformance with the requirements of this code**, adequate space for maneuvering, standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

- (a+) All spaces shall be laid out in dimensions of at least ten by fifty feet (10' by 50') or five hundred

(500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having a permanent, durable and dustless surface. All spaces shall be provided in at least the following ratio:

| Gross Floor Area (In Square Feet) | Loading and Unloading Space Required in Terms of Square Feet of Gross Floor Area |
|-----------------------------------|--|
| 0--1,400 | None |
| 1,401--20,000 | One space |
| 20,001--100,000 | One space plus one space for each 20,000 square |
| 100,001 and over | Five (5) spaces |

- (b2) No off-street loading space shall be located in any yard adjoining any residential use or zoning district.
- (c3) Space shall be provided within the off-street loading area so that any maneuvering back into or out of a loading space can be conducted outside of any public right-of-way.

(Code 1956, § 62.105; Ord. No. 16799, 5-28-81)

ARTICLE V. 63.500. ACCESSORY BUILDINGS

Sec. 632. 50106. Accessory buildings.

Accessory buildings, except as otherwise provided in this code, shall be subject to the following regulations:

- (a+) When the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this code applicable to main buildings.
- (b2) Accessory buildings, structures or uses shall not be erected in or established in a required yard except a rear yard. **Passenger vehicles may be parked in front yards providing they are located on an approved driveway that leads to a legal parking space.** [Added language is what is currently enforced because it is not practical to do otherwise.]

On corner lots, accessory buildings, structures or uses shall be set back from the street a distance equal to that required of the principal structure.

When an accessory building, structure or use is constructed in a rear yard which adjoins a side yard or front yard, the accessory building, structure or use shall be set back from the interior lot line a distance equal to the minimum side yard required of the principal structure.

On all other lots, accessory buildings shall be set back at least three (3) feet from all interior lot lines, and overhangs shall be set back at least one-third (1/3) the distance of the setback of the garage wall or one (1) foot, whichever is greater.

This setback requirement from all interior lot lines for accessory buildings in rear yards shall be waived when a maintenance easement is recorded as to the affected properties, when proof of such recorded easement is provided at the time of application for a building permit and when the accessory building is located at least three (3) feet from any building on an adjoining lot. The recording of the maintenance easement shall be interpreted to mean that the following intents and purposes of this setback requirement are met:

- (1)a. Adequate supply of sunlight and air to adjacent property;
- (2)b. Sufficient space for maintenance of the building from the same lot; and

~~(3)c.~~ Prevention of damage to adjoining property by fire or runoff from roofs.

A recorded common wall agreement is permitted in lieu of a maintenance easement if the accessory structure is attached to an accessory structure on an adjoining lot.

- (c3) In any residential area, accessory buildings shall not exceed fifteen (15) feet in height; provided, however, that accessory buildings with a flat or shed roof style shall not exceed twelve (12) feet in height. Carriage house dwellings in an OS-2 General Office-Service District shall not exceed 25 feet in height.

Exception: Accessory building heights shall not apply to property within designated Heritage Preservation Districts nor to designated historic sites. In these cases appropriate building heights for accessory structures shall be determined through the design review process to ensure that heights are acceptable and in keeping with scale and style of development on the property.

- (d4) Accessory buildings on a zoning lot may occupy up to thirty-five (35) percent of the rear yard. Rear yards which adjoin alleys may include half the area of the alley to calculate the area of the rear yard which may be occupied by accessory buildings.

On zoning lots containing one- and two-family dwellings, there shall be a maximum of three accessory buildings, the total of which shall not occupy more than one thousand (1,000) square feet of the zoning lot. On zoning lots containing all other uses, accessory buildings may occupy the same percent of the zoning lot as main buildings are allowed to occupy in the zoning district, as specified in tables in sections 61.101, 61.103, 61.104 and 61.105.

- (e5) In those instances where the rear a lot line or a side lot line is coterminous with the adjoins an alley right-of-way, the accessory building shall not be closer than one foot to such rear lot lines. [This clarifies that where there are intersecting alleys, the required setback is 1 foot from both alleys.]

- (f6) On through lots, where frontage is clearly established within a given block, rear yard setbacks shall be equal to the side yard setback required of the principal structure district in which located. [Simpler, clearer language consistent with similar language in paragraph (b) above.]

- (g7) Accessory buildings shall be located at least six (6) feet from the principal structure or shall be considered attached for purposes of the zoning code.

(Code 1956, § 62.106; Ord. No. 17038, 7-5-83; Ord. No. 17204, 1-15-85; Ord. No. 17476, § 1, 7-15-87; Ord. No. 17511, § 7, 11-12-87; Ord. No. 17524, §§ 27, 28, 1-6-88; C.F. No. 93-1718, §§ 74, 75, 12-14-93; C.F. No. 96-77, § 4, 2-14-96; C.F. No. 96-1342, § 4, 11-13-96; C.F. No. 99-750, § 9, 9-1-99; C.F. No. 00-972, 11-8-00)

Sec. 62.107. Visual screens. [Moved to §63.114.]

Sec. 62.108. Site plan review (all districts). [Moved to §61.400.]

(a) ~~Plan to be submitted.~~ [Moved to §61.400.]

(b) ~~Site plan application.~~ [Moved to §61.400.]

(c) ~~Site plan review and approval.~~ [Moved to §61.400.]

(d) ~~Compliance and time requirements.~~ [Moved to §61.400.]

(e) ~~Review of earth-sheltered structures.~~ [Moved to § 63.112.]

(f) ~~Review of outdoor storage near residential districts and uses.~~ [Moved to § 63.113.]

(g) ~~Security agreement.~~ [Moved to §61.400.]

(h) ~~Certificate of occupancy.~~ [Moved to §61.400.]

Sec. 62.109. Plant materials. [Moved to section 63.115, Landscaping and plant materials.]

ARTICLE VI. 63.600. WETLAND CONSERVATION

~~Chapter 65. Zoning Code--Wetland Conservation~~

~~ARTICLE I. PURPOSE; INCORPORATION BY REFERENCE; SCOPE~~

Sec. 635.601~~00~~. Purpose.

The purpose of **Article VI, Wetland Conservation**, of this chapter is to implement the Wetland Conservation Act of 1991 (Minn. Laws 1991 Chapter 354, as amended), and the accompanying rules of the Minnesota Board of Water and Soil Resources (Minn. Rules Chapter 8420, as amended).

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.602~~101~~. Incorporation by reference.

Article VI, Wetland Conservation, of this chapter incorporates by reference the Wetland Conservation Act and the accompanying rules. All words and terms used in this chapter which are defined in the act, rules or elsewhere in the zoning code shall have the meanings given therein.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.603~~102~~. Scope.

Article VI, Wetland Conservation, of this chapter regulates the draining and filling of wetlands and parts of wetlands within Saint Paul. It is a part of the zoning code (official controls).

(C.F. No. 94-75, § 1, 2-9-94)

~~ARTICLE II. GENERAL PROVISIONS AND ADMINISTRATION~~

Sec. 635.604~~200~~. Exemption and no-loss determinations.

The zoning administrator shall make determinations whether plans to drain or fill wetlands are exempt from the requirements to replace drained or filled wetlands, as set forth in Minn. Rules Part 8420.0210, and whether proposed work will result in a loss of wetlands, as set forth in Minn. Rules Part 8420.0220. The zoning administrator may seek the advice of the technical evaluation panel on questions of wetlands delineation and type.

The zoning administrator's decisions are final unless an administrative appeal to the board of zoning appeals is filed as set forth in section ~~614.700~~~~204~~ of the ~~Z~~zoning code.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.605~~201~~. Sequencing.

The planning commission may not consider a wetland replacement plan unless it finds that the applicant has complied with all of the principals of sequencing in Minn. Rules Parts 8420.0520. Provided that if the size of the wetland to be drained or filled is less than one-tenth (0.1) of an acre, the zoning administrator shall make the sequencing findings as set forth in Minn. Rules Part 8420.0520, Subpart 2.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.606~~202~~. ~~Special~~Conditional uses.

Draining or filling wetlands except wetlands determined exempt in section ~~635.604~~~~200~~ shall be ~~principal uses permitted subject to special~~ conditional ~~uses~~ in all zoning districts.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.607~~203~~. Replacement plans.

(a) No draining or filling of wetlands shall take place until plans to replace the drained or filled

wetlands have been approved by the planning commission. Replacement plans shall conform to all the requirements of Minn. Rules Parts 8420.0530 - .0550.

- (b) Plans to drain or fill wetlands and to replace the drained or filled wetlands shall be acted on by the planning commission in accordance with section 614.3500, Conditional use permits ~~planning commission and planning administrator approval~~, of the zoning code and with the additional notice and time requirements of Minn. Rules Part 8420.0230.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.608204. Monitoring replacement wetlands.

The zoning administrator shall assure that the wetland replacement plan monitoring and enforcement requirements of Minn. Rules Parts 8420.0600 - .0630 are fulfilled.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.609205. Wetland banking.

Wetlands may be restored or created within the city for purposes of deposit in the state wetland bank in accordance with Minn. Rules Parts 8420.0700 - .0760. The zoning administrator is responsible for approving plans to restore or create wetlands for deposit in the wetland bank, certifying that the wetlands were constructed as planned, and monitoring of banked wetlands and enforcement under the rules.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.610206. High priority areas.

Decisions regarding sequencing, replacement plans and banking shall particularly favor preservation, restoration and creation of wetlands in high priority areas as identified in water management plans pursuant to Minn. Rules Part 8420.0350.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.611207. Appeals to the board of water and soil resources.

After administrative appeals under the zoning code have been exhausted, decisions made under **Article VI, Wetland Banking**, of this chapter may be appealed to the board of water and soil resources as set forth in Minn. Rules Part 8420.0250.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.612208. Variances.

The board of zoning appeals may grant variances from **Article VI, Wetland Conservation**, of this chapter so long as the variances do not vary requirements of the act or the rules.

(C.F. No. 94-75, § 1, 2-9-94)

Sec. 635.613209. Technical evaluation panel.

- (a) The city council shall appoint a person to serve on the technical evaluation panel. The person must be a technical professional with expertise in water resource management. The city council shall also select one (1) of the members of the panel to act as the contact person and coordinator for the panel.
- (b) The city council, planning commission, zoning administrator, property owner or a member of the technical evaluation panel may request that the technical evaluation panel make a technical determination of the public value, location, size or type of wetlands in plans to drain, fill or replace wetlands. No decision on the plans shall be rendered until the panel makes the determination, as set forth in Minn. Rules Part 8420.0240.

(C.F. No. 94-75, § 1, 2-9-94)